

Atty. Docket No. DE920000090US1
(590.160)

REMARKS

In the Advisory Action dated November 18, 2005, the Examiner stated that the final rejection of the claims was maintained due to a broad interpretation of the claims. In response Applicant has filed herewith a Request for Continued Examination and has amended independent Claims 1, 12, and 13, and cancelled Claim 14. Applicant intends no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

The Advisory Action indicates the period for reply expires three (3) months from the date of the final rejection. Earlier today Applicants' counsel conducted a brief telephone interview with the Examiner in which it was agreed the period for reply expired on the mailing date of the Advisory Action (November 18, 2005) because the Amendment After Final was submitted on October 4, 2005 (within two months of the mailing of the final rejection). It should be noted this paper is timely with a one (1) month extension of time as the one month extension period expired on December 18, 2005 (a Sunday) and this paper is being submitted on the next business day.

Claims 1-13 are pending in the application. Of these claims, Claims 1, 12, and 13 are independent claims; the remaining claims are dependent claims. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks. Claims 1, 3, and 12 stand rejected under 35

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USC § 102(e) as being anticipated by Smith et al. Reconsideration and withdrawal of this rejection is respectfully requested.

In the Advisory Action, the Examiner states that the claims are to be given the broadest reasonable interpretation. The Examiner asserted that the Applicants failed to delineate the system memory being a host memory located in a specific location apart from the local memory. Thus, Applicants have respectfully amended the independent claims to state system or interconnected "memory of the computing device" to clearly point out that the system memory is located in a separate location from the local memory. The arguments of the Amendment After Final are equally applicable here as to the distinction of the system memory and local memory.

Smith does not teach or suggest a system memory residing in the host computer that is relative to the local memory of the adapter. As asserted in the final Office Action, item 123 of Smith is considered both a local memory and a system memory. (Page 2, item 2) Nor does Smith teach or suggest such a system memory that stores transmission control information along with other information. Rather, Smith explicitly asserts a local-memory-only approach in which the adapter manages the connections between clients and the server without any help or backup from the server and the system and local memory are not separate memories. This is in stark contrast to the present invention in which the local memory and the system memory reside on different devices and are relative.

Claim 1 recites, *inter alia*, operating a local memory being associated with the network coupling adapter as a cache memory relative to a system memory of the

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computing device for storing transmission control information, wherein information other than transmission control information is stored in the system memory. (emphasis added) Claim 12 also recites, *inter alia*, a local memory being operable as a cache memory relative to said interconnected memory **of the computing device**.

It is respectfully submitted that Smith et al. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, operating a local memory being associated with the network coupling adapter as a cache memory relative to a system (or interconnected) memory of a computing device for storing transmission control information, wherein information other than transmission control information is stored in the system memory. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Claims 2, 4-11 and 13 stand rejected under 35 USC § 103(a) as obvious over Smith et al. in view of Pettey et al. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

A 35 USC 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually

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combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references and the state of the art.

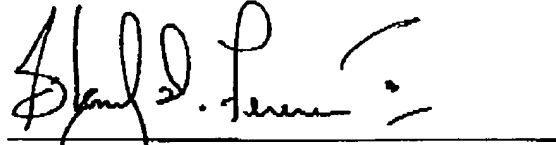
Petty et al. does not overcome the deficiencies of Smith et al. set forth above. Furthermore, even if there were a motivation for the combination, this combination does not teach or suggest the claimed invention. As best understood, Petty et al. is directed to an InfiniBand channel adapter that performs direct data transfers between a bus and an InfiniBand link without needing to double-buffer the data in system memory. There is no teaching or suggestion in Petty et al. to operate a local memory being associated with the network coupling adapter as a cache memory relative to a system memory of the computing device. Thus, the combination of Petty et al. with Smith et al. does not teach or suggest the claimed invention, especially with regards to independent Claim 13, which recites, *inter alia*, comprising a local memory being operable as a cache memory relative to said interconnected memory of the computing device.

In view of the foregoing, it is respectfully submitted that independent Claims 1, 12, and 13 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claim 1, it is thus also submitted that Claims 2-11 are also allowable at this juncture.

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In summary, it is respectfully submitted that the instant application, including Claims 1-13, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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